



General Assembly

January Session, 2009

**Committee Bill No. 5436**

LCO No. 4625

\*04625HB05436INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING GUIDE OR ASSISTANCE DOGS AND  
AUTOMOBILE INSURANCE COVERAGE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-334 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) The Insurance Commissioner shall adopt regulations with  
4 respect to minimum provisions to be included in automobile liability  
5 insurance policies issued after the effective date of such regulations  
6 and covering private passenger motor vehicles, as defined in  
7 subsection (e) of section 38a-363, motor vehicles with a commercial  
8 registration, as defined in section 14-1, motorcycles, as defined in  
9 section 14-1, motor vehicles used to transport passengers for hire,  
10 motor vehicles in livery service, as defined in section 13b-101, and  
11 vanpool vehicles, as defined in section 14-1, registered or principally  
12 garaged in this state. Such regulations shall (1) relate to the insuring  
13 agreements, exclusions, conditions and other terms applicable to the  
14 (A) bodily injury liability, (B) property damage liability, (C) medical  
15 payments, and (D) uninsured motorists coverages under such policies,  
16 [shall] (2) make mandatory the inclusion of bodily injury liability,

17 property damage liability and uninsured motorists coverages, and  
18 [shall] (3) include a provision that the insurer shall, upon request of the  
19 named insured, issue or arrange for the issuance of a bond which shall  
20 not exceed the aggregate limit of bodily injury coverage for the  
21 purpose of obtaining release of an attachment.

22 (b) The commissioner, before adopting such regulations or any  
23 subsequent modifications or amendments thereof, shall consult with  
24 insurers licensed to write automobile liability insurance in this state  
25 and other interested parties. Nothing contained in such regulations or  
26 in sections 38a-334 to 38a-336a, inclusive, as amended by this act, 38a-  
27 338 and 38a-340 shall prohibit any insurer from affording broader  
28 coverage under a policy of automobile liability insurance than that  
29 required by such regulations.

30 (c) For the purposes of subparagraph (B) of subdivision (1) of  
31 subsection (a) of this section and section 38a-335, as amended by this  
32 act, in the event of the death of a guide dog or assistance dog where  
33 such death was caused by an insured motor vehicle, the replacement  
34 value of such guide dog or assistance dog shall be the cost to replace  
35 such dog with a comparably trained guide dog or assistance dog from  
36 the same or similar facility from which such dog that is the subject of  
37 the claim was procured. "Guide dog or assistance dog" means a dog  
38 that is trained to do work or perform tasks that are directly related to  
39 an individual's disability or diagnosed medical condition.

40 Sec. 2. Section 38a-335 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective January 1, 2010*):

42 (a) Each automobile liability insurance policy shall provide  
43 insurance in accordance with subsection (c) of section 38a-334, as  
44 amended by this act, and the regulations adopted pursuant to said  
45 section [38a-334] against loss resulting from the liability imposed by  
46 law, with limits not less than those specified in subsection (a) of section  
47 14-112, for damages because of bodily injury or death of any person

48 and injury to or destruction of property arising out of the ownership,  
49 maintenance or use of a specific motor vehicle or motor vehicles within  
50 any state, territory, or possession of the United States of America or  
51 Canada.

52 (b) Each automobile liability insurance policy issued, renewed,  
53 amended or endorsed on or after October 1, 1988, and covering a  
54 private passenger motor vehicle as defined in subsection (e) of section  
55 38a-363, shall contain or have attached thereto a conspicuous statement  
56 specifying whether the policy provides liability, collision or  
57 comprehensive coverage for damage to a rented private passenger  
58 motor vehicle and, where the policy provides such coverage, the limit  
59 of coverage provided and whether any deductible amount applies.

60 (c) Each automobile liability insurance policy issued, renewed,  
61 amended or endorsed on or after April 8, 1974, shall provide that if the  
62 provisions of the motor vehicle financial responsibility law or the  
63 motor vehicle compulsory insurance law or any similar law of any  
64 state, territory or possession of the United States of America or any  
65 Province of Canada, require insurance with respect to the operation or  
66 use of the motor vehicle in such state, territory, possession or province  
67 and such insurance requirements are greater than the insurance  
68 provided by the policy, the limits of the company's liability and the  
69 kinds of coverage afforded by the policy shall be as set forth in such  
70 law, in lieu of the insurance otherwise provided by the policy, but only  
71 to the extent required by such law and only with respect to the  
72 operation or use of the motor vehicle in such state, territory, possession  
73 or province; provided the insurance under this subsection shall be  
74 reduced to the extent that there is other valid and collectible insurance  
75 under such policy or any other motor vehicle insurance policy. In no  
76 event shall any person be entitled to receive duplicate payments for  
77 the same element of loss.

78 (d) With respect to the insured motor vehicle, the coverage afforded  
79 under the bodily injury liability and property damage liability

80 provisions in any such policy shall apply to the named insured and  
81 relatives residing in his household unless any such person is  
82 specifically excluded by endorsement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	38a-334
Sec. 2	<i>January 1, 2010</i>	38a-335

***Statement of Purpose:***

To specify the replacement value of a guide dog or assistance dog under a property damage provision in an automobile insurance policy is the cost of a comparably trained guide dog or assistance dog from the same or similar facility from where such dog that is the subject of the claim was procured.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. ESTY, 103rd Dist.; REP. LYDDY, 106th Dist.  
REP. COOK, 65th Dist.; REP. ROBLES, 6th Dist.

H.B. 5436